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In re Application of	:	
KENNEDY, Joseph P. et al.	:	
Application No.: 10/531,040	:	DECISION ON
PCT No.: PCT/US03/32578	:	
Int. Filing Date: 16 October 2003	:	PETITION
Priority Date: 16 October 2002	:	
Docket No.: GRA26 008	:	UNDER 37 CFR 1.181
For: NETWORK OVERLAY GEO-LOCATION	:	
SYSTEM WITH SMART ANTENNAS	:	

This decision is in response to "Request For Withdrawal of the Holding of Abandonment Under 37 C.F.R. §1.181(a)," filed in the above-captioned application on 15 August 2006.

BACKGROUND

On 16 October 2003, applicants filed international application no. PCT/US03/32583, claiming a priority date of 16 October 2002. The thirty month deadline for payment of the basic national fee in the United States was midnight, 16 April 2005.

On 12 April 2005, applicants submitted a transmittal letter for entry into that national phase in the United States accompanied by the basic national fee.

On 16 September 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late submission of the search fee, examination fee or oath or declaration were required.

On 09 August 2006, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 15 August 2006, applicants submitted this petition under 37 CFR 1.181, accompanied by a copy of a declaration, a postcard receipt for the declaration stamped 19 October 2005.

DISCUSSION

The declaration that applicants claim to have submitted on 19 October 2005, is not present in the application. A petition to accept a copy of a what applicant claims was earlier submitted must be accompanied by a copy of the submission and proof of the earlier submission.

Applicants have provided a declaration, state that the declaration is a copy of the 19 October 2005 submission and have provided a postcard receipt date-stamped by the Office and listing the declaration. The copy of the declaration is accepted as having been received on 19 October 2005.

A review of the declaration reveals it does not comply with 37 CFR 1.497(a)-(b). The first named inventor in the international application is "Joseph P. Kennedy." The declaration lists "Joseph P. Kennedy, Jr." The inventors in the international application must match the inventors entering the national stage in the United States, including any changes made under PCT Rule 92*bis*. The record does not reflect any changes made under PCT Rule 92*bis*. If this discrepancy is the result of a typographical error, it can be corrected by supplying a statement to that effect and stating the proper name.

Additionally, the declaration's priority data indicate that this application claims priority of PCT/US2003/032583. This application is a national phase of PCT/US2003/032578.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 to withdraw the holding of abandonment is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 09 August 2006 is VACATED.

An oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) is required within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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